

2005-Jul-18 05:48pm From-

T-888 P.008/013 F-355

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

SANDERS, JOHN L. et al.

Serial No. :10/708,714

Filed: March 19, 2004

ANIONIC POLYMERS COMPOSED OF
DICARBOXYLIC ACIDS AND USES
THEREOF

Docket.. 30621-DIV 2-CIP1

Group Art Unit No. 1713

Examiner: H. Pezzuto

Commissioner of Patents
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.130 TO DISQUALIFY
COMMONLY OWNED PATENT AS PRIOR ART

I, JOHN H. ARDY, declare and state as follows:

1. I am the Vice President of Specialty Fertilizer Products, LLC.
2. Specialty Fertilizer Products, LLC was formed in August, 1998.
3. The inventor named in this application is the prior inventor of U.S. Patent No. 6,525,155, and U.S. Patent No. 6,596,831 under 35 U.S.C. 104. A terminal disclaimer in accordance with 37 C.F.R. 1.321(c) is included herewith.
4. Prior to the date of invention of the subject matter claimed in U.S. Patent No. 6,596,831 (the '831 patent) and U.S. Patent No. 6,525,155 (the '155 patent), and prior to the date of invention of the subject matter claimed in the above identified patent application, an agreement was made between Specialty Fertilizer Products, LLC and John L. Sanders that all inventions subsequently made by or on behalf of Specialty Fertilizer Products, LLC relating to polymers and fertilizers, and related technologies would be owned jointly by Specialty Fertilizer Products, LLC

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and John L. Sanders. The subject matter of the '831 patent, the '155 patent and the invention claimed in the above-identified application were both made on behalf of Specialty Fertilizer Products, LLC and were, at the time the latter invention was made, subject to an obligation of assignment to Specialty Fertilizer Products, LLC and John L. Sanders.

5. This Agreement was effected in the applications which matured as the '831 and '155 patents and in the present patent application, in that the inventors in each instance other than Mr. Sanders assigned all of their right, title and interest to Specialty Fertilizer Products, LLC. Therefore, the '831 patent, the '155 patent and the instant application are commonly owned, pursuant to the agreement referred to in paragraph 3 hereof. Copies of the Assignments referred to in this paragraph are attached hereto.

6. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that wilful, false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and such wilful false statements may jeopardize the validity of any patents issued from the patent application.

Date: _____

7/20/05
JOHN HARDY